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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,083	07/26/2001	Marios Gerogiokas	2-3-1-5	7954

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Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733

EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 04/01/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,083

Applicant(s)

GEROGIOKAS ET AL.

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/26/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02 July 2002 is in compliance with the provisions of 37 CFR 1.97 and is being considered by the examiner.

Drawings

2. The drawings are objected to because of **Form PTO-948** section **10**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 5 is objected to because of the following informalities: Applicant omitted the number in which the claim is dependent on in line 1. Examiner interprets "claim" to be "claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ward et al.** (hereinafter Ward) (**US 6,104,930**).

Regarding **Claim 1**, Ward discloses of a beam on demand system comprising:

at least one transceiver (800) which reads on the claimed “radio” (see col. 8, lines 51 col. 9, line 28; Fig. 8);

a plurality of amplifiers (802) each having an input switchably coupled to the at least one radio (800) via a switch matrix (801) and to at least one beam former (807) where each amplifier (802) has at least one output coupled to an antenna array (806) (see col. 8, lines 51 col. 9, line 28; Fig. 8); and

a controller (805) configured to receive an output transmission power level signal from each of the plurality of amplifiers (802) and where the controller (805) generates a control signal to the switch matrix (801) causing the switch matrix (801) to couple or uncouple an amplifier (802) to the at least one radio (800) where the control signal is based on the received transmission power level of the amplifier and a threshold transmission power (see col. 7, lines 20-40; col. 8, lines 51 - col. 9, line 47; Figs. 8 and 10), where the power of one

sector is underutilized the power would be transferred to another sector where the frequency and time slots have reached or neared capacity limitations (threshold).

Regarding **Claim 2**, Ward discloses the beam on demand system of claim 1 where the controller (805) couples or uncouples an amplifier (802) from the at least one radio (800) based on whether the received transmission power of the amplifier is above or below the threshold transmission power (see col. 7, lines 20-40; col. 8, lines 51 - col. 9, line 47; col. 9, line 55 - col. 10, line 53; Figs. 7-10), where the power demand of a sector is allocated to additional transceivers to handle the demand of the sector which is above capacity (threshold) and the transceiver is borrowed from a sector that is below the capacity limit.

Regarding **Claim 3**, Ward discloses where the amplifier (802) and a corresponding antenna element of the antenna array (806) are coupled or uncoupled to or from the at least one radio (800) (see col. 7, lines 20-40; col. 8, lines 51 - col. 9, line 28; col. 9, line 55 - col. 10, line 53; Figs. 7-10).

Regarding **Claim 4**, Ward discloses where the digital communication signal which reads on the claimed "control signal" is based on the transmission power level of a group of which the amplifier (802) is a member and a threshold transmission power level established for the group (see col. 8, line 51 - col. 9, line 47; col. 10, lines 10-22; Fig. 8), where the communication signal provides transmission power according to the frequency or capacity limit (threshold) in which additional frequencies will be used to carry the overloaded traffic.

Regarding **Claim 5**, Ward discloses where the control signal is based on the transmission power level of the amplifier and a threshold transmission power established for the amplifier (see col. 8, line 51 - col. 9, line 47; col. 10, lines 10-22; Figs. 8-9), where the

communication signal provides transmission power according to the frequency or capacity limit (threshold) in which additional frequencies will be used to carry the overloaded traffic.

Regarding **Claim 7**, Ward discloses where the at least one radio (800) is switchably coupled to a set of amplifiers from the plurality of amplifiers (802) and an amplifier (802) is either removed from the set or added to the set based on the threshold transmission power of the set and the transmission power of the amplifier to be added or removed (see col. 7, lines 20-40; col. 8, lines 51 -col. 9, line 47), where the transceiver and amplifier will switch from one sector to another sector to provide additional power when the communication signals have reached the capacity limit.

Regarding **Claim 9**, Ward discloses where each amplifier (802) output is coupled to an antenna element of the antenna array (806) (col. 8, lines 51 - col. 9, line 28; Figs. 8), where the output from the amplifier passes to the antenna.

Regarding **Claim 10**, Ward discloses where the switch matrix (801) has N inputs and M outputs where N and M are integers equal to 1 or greater and M is greater than N (see col. 7, lines 20-40; col. 8, lines 51 - col. 9, line 47; col. 9, line 55 - col. 10, line 53; Figs. 7-10), where the switch matrix has more than one input and output in which the ratio can be adjusted according to capacity demands.

Regarding **Claim 11**, Ward discloses where such a system serves a cell that is part of a wireless communication system (see col. 7, lines 48-50: Figs. 7 and 9).

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Smith et al.**

(hereinafter Smith) (US 5,021,801).

Regarding **Claim 12**, Smith discloses a method for automatically allocating system equipment of a communication system (see abstract; Figs. 2-5), the method comprising the steps of:

providing equipment so as to serve various sectors (303) which reads on the claimed “portions” of the communication system (see abstract; Figs. 2-5), where the equipment ;
monitoring the equipment to determine capacity demands of the various portions (303) (see col. 3, lines 34-42; Figs. 2 and 3), where the system monitors the capacity to determine when a sector has become overburdened ; and

switching equipment between portions (303) of the communication system to meet the capacity demands of the various portions (303) (see col. 3, lines 34-42; Figs. 2 and 3), where the transmitter from a under used sector would switch to support another overburdened sector to help handle traffic.

Regarding **Claim 13**, Smith discloses the method of claim 12 where the step of monitoring equipment further comprises establishing capacity thresholds for the various portions of the communication system (see col. 3, lines 34-42; Figs. 2 and 3), where the

threshold would be inherent when the overburdened sector reached a capacity limit or threshold for requesting assistance from another transmitter sector.

Regarding **Claim 14**, Smith discloses the method of claim 12 where the step of monitoring equipment further comprises establishing a capacity threshold for each of the provided equipment (see col. 3, lines 34-42; Figs. 2 and 3), where the system monitors the amount of traffic to determine the capacity limitations (threshold) when a sector has become overburdened.

Regarding **Claim 15**, Smith discloses the method of claim 12 where the step of switching equipment between portions (303) of the communication system comprises automatically transferring a provided equipment from one portion (303) to another portion (303) to meet the capacity demands of one or both of the portions (303) (see col. 3, lines 34-42; Figs. 3-5), where the transmitter of one sector is switched from to another sector to assist with handling the traffic in the overburdened the sector.

Regarding **Claim 16**, Smith the method of claim 12 where the step of switching equipment between portions of the communication system further comprises the steps of:

determining the capacity demand of the portion (303) of the communication system to which equipment is switched (see col. 3, lines 34-42; Figs. 3-5), where the system determines that for the sector a capacity demand and the sector is overburdened; and

switching the equipment to the portion (303) when the capacity demand of the portion (303) is calculated to be below an established capacity threshold even after the equipment has been switched (see col. 3, lines 34-42; Figs. 3-5), where the transmitter is switched in accordance to the overburdened capacity demand to assist with handling traffic.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ward et al.**

(hereinafter Ward) (**US 6,104,930**) in view of **Feuerstein et al.** (hereinafter Feuerstein) (**US 6,141,565**).

Regarding **Claim 6**, Ward teaches where the demand of a sector can reach a capacity limitation (threshold) (see col. 7, lines 20-40; col. 8, lines 51 - col. 9, line 47; col. 9, line 55 - col. 10, line 53; Figs. 7-10), where the additional power from amplifiers will be provided to sectors or beams to handle additional traffic with the allocated frequencies. Ward fails to disclose the threshold being calculated. However, the examiner maintains that the threshold being calculated was well known in the art, as taught by Feuerstein.

In the same field of endeavor, Feuerstein teaches that the parameters (threshold) being calculated (see col. 2, lines col. 7, line 56 - col. 8, line 23; Figs. 1-4), where the controller establishes the threshold for power used by the base station to distribute power for the sectors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ward and Feuerstein to have the threshold being calculated.

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The advantage of combining the teachings of Ward and Feuerstein is to provide parameters that will optimize and dynamically adjust a network, cell, sector, or beam to handle traffic loading conditions (see Feuerstein - col. 4, line 66 - col. 5, line 18; col. 11, lines 13-25).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ward et al.** (hereinafter Ward) (**US 6,104,930**) in view of **Lopes et al.** (hereinafter Lopes) (**US 6,453,176**).

Regarding **Claim 8**, Ward teaches of having a controller (805) for operating the frequency switch and combiner matrix (801) which distribute communication signals (col. 8, lines 51 - col. 9, line 28; Figs. 8), where the transmitters are capable of outputting a multiplexed digital communication signal through communication channels. Ward fails to disclose the controller being a digital signal processor. However, the examiner maintains that the controller being a digital signal processor was well known in the art, as taught by Lopes.

In the same field of endeavor, Lopes teaches of the controller being a digital signal processor (see col. 4, lines 44-47), where the controller controls the switches.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ward and Lopes to have the controller being a digital signal processor.

The advantage of combining the teachings of Ward and Lopes is to have beams of used for resource allocation where users can be served by a different beam of each sector within a cell (see Lopes - col. 8, lines 1-14; Fig. 6).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith et al.** (hereinafter Smith) (**US 5,021,801**) in view of **Lopes et al.** (hereinafter Lopes) (**US 6,453,176**).

Regarding **Claim 17**, Smith teaches of the equipment being switch are amplifiers (205) coupled to antenna elements (404) and amplifiers are coupled to at least one radio (401) and a switch matrix (402) where capacity demands are represented by transmission power levels of the amplifiers and the various portions are sectors and/or sub-sectors of a cell of a wireless communication system (see col. 2, line 38 - col. 3, line 6; col. 3, line col. 3, lines 38-47; Figs. 2, 4, and 5), where the equipment is switched to handle traffic between sectors of a cell. Smith fails to disclose having the equipment coupled with a beam former and antennae array. However, the examiner maintains that having the equipment coupled with a beam former and antennae array was well known in the art, as taught by Lopes.

In the same field of endeavor, Lopes teaches of having the equipment coupled with a beam former (403) and antennae array (401) (see abstract; col. 4, lines 21-47; col. 5, line 62 - col. 6, line 19; col. 10, lines 22-31; Figs. 2 and 4), where the equipment is used to handle communication between sectors of a cell.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith and Lopes to have the equipment coupled with a beam former and antennae array.

The advantage of combining the teachings of Smith and Lopes is to have beams of used for resource allocation where users can be served by a different beam of each sector within a cell (see Lopes - col. 8, lines 1-14; Fig. 6).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hagen (US 6,292,677) discloses a Power Delivery System and Method of Controlling the Power Delivery System for Use In A Radio Frequency System.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR/wjd,jr
26 February 2004

Marsha D Banks-Harold
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